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TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MAX EUGENE

: DOCKET NO. 6:11-cv-1970

Section P

VS.

: JUDGE DOHERTY

WARDEN VIATOR, ET AL.

: MAGISTRATE JUDGE HILL

**J U D G M E N T**

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly;

**IT IS ORDERED** that the Respondents' Motion to Dismiss [doc. 8] is  
**GRANTED** and accordingly, this petition is **DENIED AND DISMISSED** as moot.

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this 27  
day of February, 2012.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE